

49.150 Appeal from award of commission.

- (1) Appeals may be taken by a state agency from all awards of the commission where the amount in controversy, exclusive of interest and costs, is more than two thousand five hundred dollars (\$2,500). Appeals shall be taken to the Circuit Court of the county wherein the hearing was conducted, provided, however, that an appeal involving a nonresident claimant may be taken by a state agency to the Franklin Circuit Court. Appeals shall be taken within thirty (30) days from the rendition of the award, and the method of appeals shall follow as nearly as may be the rules of civil procedure, except the Commonwealth shall not be required to execute bond.
- (2) Any claimant whose claim is two thousand five hundred dollars (\$2,500) or greater may within thirty (30) days after receipt of the copy of the report containing the final decision of the commission, file a proceeding in the Circuit Court of the county wherein the hearing was conducted to review the decision of the commission. A copy of the filing and complaint shall be served on the Attorney General in the manner provided by the rules of civil procedure.
- (3) The commission, the state agency, and the claimant shall be necessary parties to such appeals. It shall not be necessary for the commission to file responsive pleadings unless it so desires.
- (4) The executive director of the commission shall within thirty (30) days after service of the summons file the entire original record properly bound, with the clerk of the Circuit Court, after certifying that such record is the commission's entire original record and such record shall be considered by the Circuit Court in its review. If either party requests a transcript of the evidence in writing, the requesting party shall bear the cost of the original copy of the transcript and it shall be furnished within ninety (90) days from the date of the written request.
- (5) On appeal no new evidence may be introduced, except as to fraud or misconduct of some person engaged in the hearing before the commission. The court sitting without a jury shall hear the cause upon the record before it, and dispose of the appeal in a summary manner, being limited to determining: Whether or not the commission acted without or in excess of its powers; the award was procured by fraud; the award is not in conformity to the provisions of KRS 49.040 to 49.180; and whether the findings of fact support the award. The court shall enter its findings on the order book as a judgment of the court, and such judgment shall have the same effect and be enforceable as any other judgment of the court in civil causes.

Effective: June 29, 2017

History: Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 15, effective June 29, 2017. -- Amended 2000 Ky. Acts ch. 304, sec. 3, effective July 14, 2000. -- Amended 1984 Ky. Acts ch. 310, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 355, sec. 2, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 291, sec. 1, effective July 15, 1980. -- Amended 1960 Ky. Acts ch. 25, sec. 7. -- Amended 1958 Ky. Acts ch. 52, sec. 3. -- Created 1946 Ky. Acts ch. 189, sec. 9.

Formerly codified as KRS 44.140.

Formerly codified as KRS 176.360.